

A bill for an act

relating to public safety; increasing criminal penalties for certain sex trafficking offenses; providing housing and support services for victims of human trafficking, and technical training for judges, prosecutors, and law enforcement on human trafficking; increasing public awareness on human trafficking; appropriating money; amending Minnesota Statutes 2008, sections 299A.79, subdivisions 2, 3, 4; 299A.795; 609.281, subdivision 5; 609.321, subdivision 7a; 609.322; 611A.036, subdivision 7; 624.712, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 299A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

## ARTICLE 1

### HUMAN TRAFFICKING CRIMINAL AND VICTIM PROVISIONS

Section 1. Minnesota Statutes 2008, section 609.281, subdivision 5, is amended to read:

Subd. 5. **Labor trafficking.** "Labor trafficking" means:

(1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:

~~(1)~~ (i) debt bondage or forced labor or services;

~~(2)~~ (ii) slavery or practices similar to slavery; or

~~(3)~~ (iii) the removal of organs through the use of coercion or intimidation; or

(2) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in clause (1).

Sec. 2. Minnesota Statutes 2008, section 609.321, subdivision 7a, is amended to read:

Subd. 7a. **Sex trafficking.** "Sex trafficking" means:

(1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or  
(2) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in clause (1).

Sec. 3. Minnesota Statutes 2008, section 609.322, is amended to read:

**609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING.**

Subdivision 1. **Individuals under age 18.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years; ~~or~~
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
- (4) engages in the sex trafficking of an individual under the age of 18 years.

Subd. 1a. **Other offenses.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

- (1) solicits or induces an individual to practice prostitution; ~~or~~
- (2) promotes the prostitution of an individual; ~~or~~
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or
- (4) engages in the sex trafficking of an individual.

Subd. 1b. **Exceptions.** Subdivisions 1, clause (3), and 1a, clause (3), do not apply to:

- (1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or
- (2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or
- (3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Subd. 1c. **Aggregation of cases.** Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

Subd. 1d. **Sex trafficking; enhanced penalty based on aggravating factors.**

(a) As used in this subdivision:

(1) "aggravating factor" means situations where:

(i) the offender has committed a prior qualified human trafficking-related offense;

(ii) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;

(iii) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or

(iv) the offense involved more than one sex trafficking victim; and

(2) "prior qualified human trafficking-related offense" means a conviction or delinquency adjudication within the ten years immediately preceding the current offense for a violation of or an attempt to violate subdivision 1, clause (4) (sex trafficking of an individual under age 18); subdivision 1a, clause (4) (sex trafficking of an individual aged 18 or over); section 609.282 (labor trafficking); or 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking).

(b) Notwithstanding the statutory maximum sentence described in subdivision 1 or 1a, a person who intentionally violates subdivision 1, clause (4), or 1a, clause (4), may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$50,000, or both, if one or more aggravating factors are present.

Sec. 4. Minnesota Statutes 2008, section 611A.036, subdivision 7, is amended to read:

Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23

(mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 609.322, subdivision 1, clause (4), or 1a, clause (4) (sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1, (arson in the first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c), (burglary in the first degree; occupied dwelling or involving an assault); or 609.66, subdivision 1e, paragraph (b), (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle).

Sec. 5. Minnesota Statutes 2008, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest);

609.52 (involving theft of a firearm, theft involving the intentional taking or driving of a motor vehicle without the consent of the owner or authorized agent of the owner, theft involving the taking of property from a burning, abandoned, or vacant building, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle, and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment and stalking); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

## ARTICLE 2

### HUMAN TRAFFICKING TRAINING AND PUBLIC AWARENESS

Section 1. Minnesota Statutes 2008, section 299A.79, subdivision 2, is amended to read:

Subd. 2. **Human trafficking training plan.** ~~The training plan required in subdivision 1 must include:~~

~~(1) methods used in identifying trafficking victims, including preliminary interview techniques and appropriate interrogation methods;~~

~~(2) methods for prosecuting traffickers;~~

~~(3) methods for protecting the rights of trafficking victims, taking into account the need to consider human rights and special needs of women and children trafficking victims; and~~

~~(4) methods for promoting the safety of trafficking victims.~~

(a) As used in this section:

(1) "governmental agencies" include, at a minimum, state and local health and human services agencies; law enforcement agencies, prosecutorial offices; and administrative and state court judges, magistrates, and referees; and

(2) "nongovernmental organizations" include nonprofit organizations such as social service providers, health care providers, emergency shelters, and other nonprofit organizations that provide services to trafficking victims, including those included under federal law.

(b) The commissioner shall provide governmental agencies and nongovernmental organizations throughout Minnesota with training on human trafficking in all its forms

including, but not limited to, sex trafficking, labor trafficking, and human trafficking as defined under Minnesota and federal law.

(c) The training required under paragraph (b) must focus on:

(1) Minnesota and federal laws relevant to human trafficking;

(2) methods used in identifying victims of human trafficking as defined in Minnesota and federal law, including preliminary interview techniques and appropriate questioning methods;

(3) methods for prosecuting traffickers under Minnesota and federal law;

(4) methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a trafficking case;

(5) methods for protecting the rights of victims, taking into account the need to consider the human rights and specific needs of all women and minor victims, including American Indian women and girls, and that victims should be treated as victims rather than criminals; and

(6) methods for promoting the safety of victims including, but not limited to, safety in the use of the Internet.

(d) The commissioner shall develop and deliver training with the input and participation of appropriate nongovernmental organizations and other relevant organizations. The commissioner may also contract with outside organizations to assist with the duties to be performed under this section.

Sec. 2. Minnesota Statutes 2008, section 299A.79, subdivision 3, is amended to read:

Subd. 3. **Public awareness initiative.** ~~The public awareness initiative required in subdivision 1 must address, at a minimum, the following subjects~~ (a) The commissioner, in cooperation with appropriate nongovernmental organizations, shall prepare public awareness programs designed to educate potential victims of human trafficking and their families about the risks of victimization. Materials must increase public awareness of the causes of human trafficking, of the solutions to preventing and ending human trafficking, and of the problems faced by trafficking victims. The public awareness programs must include, but not be limited to:

(1) information about the risks of becoming a sex trafficking victim, including information about common recruitment techniques; use of debt bondage, forced labor or services, and prostitution and other coercive tactics; risk of maltreatment, rape, exposure to HIV/AIDS, and other sexually transmitted diseases; and psychological harm related to victimization in trafficking cases;

~~(2) common recruitment techniques; use of debt bondage, blackmail, forced labor and services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct, exposure to sexually transmitted diseases, and psychological harm~~ information about the risks of engaging in commercial sex, including potential criminal penalties;

(3) information about the risks of becoming a labor trafficking victim;

~~(3) crime~~ (4) information about victims' rights in Minnesota; and

~~(4) (5) methods of reporting recruitment activities involved in trafficking. suspected recruitment activities; and~~

(6) information about local and national hotlines and available victims services.

(b) The commissioner, in cooperation with other appropriate governmental agencies and appropriate nongovernmental organizations, shall prepare and disseminate general public awareness materials to educate the public on the extent of human trafficking in Minnesota and the United States, and discourage the demand that fosters the exploitation of persons that leads to trafficking.

(c) General public awareness materials under paragraph (b) may include information on the impact of trafficking on individual victims, aggregate information on trafficking worldwide and domestically, and warnings of the criminal consequences of engaging in trafficking as defined under Minnesota and federal law. These materials may include pamphlets, brochures, posters, advertisements in mass media, and any other appropriate media.

(d) Materials described in this subdivision may include information on the impact of trafficking on individual victims. However, any information on the experiences of individual victims must preserve the privacy of the victim and the victim's family.

(e) Materials must be provided in languages other than English, and must be posted on the Internet and otherwise made generally available. The state demographer shall determine and report to the commissioner the languages that are common enough in the state to merit translations.

(f) All public awareness programs must be evaluated periodically to ensure effectiveness.

Sec. 3. Minnesota Statutes 2008, section 299A.79, subdivision 4, is amended to read:

Subd. 4. **Report to legislature.** The commissioner shall report ~~the plan~~ progress under this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding by December 15, ~~2006~~ of each year.

ARTICLE 3

TRAFFICKING VICTIM ASSISTANCE

Section 1. Minnesota Statutes 2008, section 299A.795, is amended to read:

**299A.795 TRAFFICKING VICTIM ASSISTANCE.**

Subdivision 1. **Plan for services.** The commissioner ~~may review the existing~~ ~~services and facilities to meet trafficking victims' needs and recommend a plan that~~ ~~would coordinate the services~~ shall develop plans, in consultation with nongovernmental organizations, for the provision of appropriate services, from governmental and nongovernmental sources, for victims of human trafficking and any dependents accompanying the victims, or parents or guardians of minor victims including, but not limited to:

(1) ~~medical and mental health services~~ appropriate housing, taking into account the person's status as a victim of crime, and including safe conditions for sleeping, food, and personal hygiene;

(2) ~~housing~~ psychological counseling in a language the victim understands;

(3) ~~education and job training~~ medical assistance in a language the victim understands;

(4) ~~English as a second language~~ child care;

(5) ~~interpreting services~~ other material assistance as appropriate;

(6) ~~legal and immigration services~~ employment, educational, language, and training opportunities; and

(7) legal assistance in a language the victim ~~compensation~~ understands.

Subd. 2. **Approval.** Plans developed under this section must be submitted for approval to appropriate state authorities, which shall also undertake periodic reviews of the plans and their implementation to ensure compliance with the requirements of this section and section 299A.7954 and to ensure that all victims are treated with respect for their human rights and dignity.

**Sec. 2. [299A.7954] PROGRAMS FOR TRAFFICKED PERSONS.**

Subdivision 1. **Grants awarded.** The commissioner shall make grants to units of local government, Indian tribes, and nonprofit nongovernmental victims service organizations to develop, expand, or strengthen victim service programs for victims of human trafficking and those at risk for human trafficking including, but not limited to, sexually exploited youth. Grants must be awarded to carry out the purposes of sections



299A.79 and 299A.795. Grants must be awarded based on the demonstrated need for trafficking victim support services programs.

Subd. 2. **Program for American Indians.** The commissioner shall establish at least one program under this section to provide emergency shelter services, transitional and permanent housing, and support services to trafficked American Indians. The commissioner shall grant continuing operating expenses to the program in the same manner as operating expenses are granted to programs established under subdivision 1.

Subd. 3. **Application.** (a) Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services, transitional and permanent housing, and support services to trafficked persons and their children, trafficked youth, or both. Any public or private nonprofit agency may apply to the commissioner for a grant to provide training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of human trafficking. Priority must be given to agencies with the most expertise serving the target populations and existing programs serving the target populations. The application must be submitted in a form approved by the commissioner, after consultation with the statewide human trafficking task force established in section 299A.7955, and must include:

(1) a proposal for the provision of emergency shelter services, transitional and permanent housing, and support services to trafficked persons and their children, trafficked youth, or both;

(2) a proposed budget;

(3) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections 611A.33 and 611A.34;

(4) evidence of an ability to represent the interests of trafficked persons and their children and trafficked youth to local law enforcement agencies, courts, county welfare agencies, and local boards or departments of health;

(5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may require after considering the recommendations of the statewide human trafficking task force.

(b) Programs that have been approved for grants in prior years may submit materials, which indicate changes in items listed in paragraph (a), clauses (1) to (6), to qualify for renewal funding. Nothing in this subdivision requires programs to submit complete applications for each year of renewal funding.

10.1           Subd. 4. **Duties of grantees.** (a) Every public or private nonprofit agency that  
10.2           receives a grant to provide emergency shelter services, transitional and permanent  
10.3           housing, and support services to trafficked persons and their children or to trafficked youth  
10.4           shall comply with all requirements of the commissioner related to the administration of  
10.5           the programs.

10.6           (b) Grantees shall submit summary data as defined in section 13.02, subdivision 19,  
10.7           for the purpose of supplementing data on the number of trafficking victims in Minnesota  
10.8           for the report required by section 299A.785.

10.9           Subd. 5. **Classification of data collected by grantees.** Personal history information  
10.10          and other information collected, used, or maintained by a grantee from which the identity  
10.11          or location of any victim of human trafficking may be determined is private data on  
10.12          individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain  
10.13          the data in accordance with the provisions of chapter 13.

10.14          Sec. 3. **APPROPRIATION.**

10.15          \$..... for the fiscal year ending June 30, 2010, is appropriated from the general fund  
10.16          to the commissioner of public safety to implement Minnesota Statutes, section 299A.7954.

APPENDIX  
Article locations in 09-2516

ARTICLE 1 HUMAN TRAFFICKING CRIMINAL AND VICTIM PROVISIONS Page.Ln 1.11

ARTICLE 2 HUMAN TRAFFICKING TRAINING AND PUBLIC AWARENESS Page.Ln 5.12

ARTICLE 3 TRAFFICKING VICTIM ASSISTANCE ..... Page.Ln 8.1